



SENATE JUDICIARY

EXHIBIT NO. 4  
DATE 3/13/09  
FILE NO. HB 517  
Tom Bucy

February 25, 2009

## Bill to close emergency personnel counseling should pass

It is rare that a newspaper would endorse legislation allowing closure of a kind of government meeting, but today that's what we're doing.

We're talking about House Bill 517 by Rep. Galen Hollenbaugh, D-Helena, to close debriefing sessions held among emergency service personnel and stress management personnel in the aftermath of a "critical incident."

In other words, police, fire and emergency medical people see a lot of really bad stuff in the line of duty — every kind of injury, wound and violent death imaginable.

Not surprisingly, what they witness in the course of doing their jobs can traumatize them — *deeply* traumatize in some cases, to the point of needing counseling and support.

What HB517 calls for is "to protect the privacy rights of an emergency service provider in receiving critical incident stress management and response services."

To accomplish that, the bill says, "critical incident stress management debriefing meetings and other critical incident stress management and response services meetings are closed to the general public and may be closed to anyone who was not directly involved in the critical incident that is the subject of the meeting."

In effect, the bill grants something like a doctor-patient relationship to emergency responders and the people who counsel them.

The bill passed its second reading in the House on Tuesday by a large (92-8) margin, and we hope it will clear to the Senate for a similar vote.

We have a couple of observations about the bill, however.

First, we wonder if some specific incident prompted this legislation, or if it is a kind of pre-emptive strike, anticipating a possible issue.

Second, and similarly, it is difficult to imagine the circumstances in which responsible members of the public, including news reporters, would demand to sit in on such a session. Doing so undoubtedly would make a powerful story, but that's because of the dramatic nature of these jobs, not the identities of the workers.

It is much easier to imagine — and in fact we have encountered — situations in which reporters *should* sit in on such sessions, but not as reporters.

In a sense, reporters are a kind of emergency responders, too, and they can be just as traumatized as the official responders. In such cases, the news organizations are responsible for the counseling.

In any case, while we're never excited about closing government meetings, the types of sessions in this bill are more in the category of private counseling, not public interest.